IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 3154 OF 1996

VARSHA ASHOK MANEK .. PETITIONER

Versus

STATE OF MAHARASHTRA & ORS. .. RESPONDENTS

Mr. S. P. Kanuga for petitioner

Ms. M. Thakur, AGP

CORAM:-SMT. RANJANA DESAI &

A.P. DESHPANDE, JJ.

DATED:-20/7/2006

P.C.

. Our attention is drawn by Mr. Kanuga, learned counsel for the petitioner to the judgment of the Supreme Court in **State of Maharashtra & Ors. v. Kumari Tanuja, (1992) 2 S C C 462**. By this judgment the Supreme Court has affirmed the view taken by this court that the Bawa community from Sindh is entitled to the benefits reserved for Nomadic Tribes vide Government Resolution dated 21/11/1961.

2. The controversy in this petition is also covered by a Division Bench order of this Court dated 30th March, 2000 passed in Writ Petition No. 2184 of 1990 (Kishore L. Rajpal v/s. State of Maharashtra). This petition, therefore, must be disposed of in the same terms.

3. Hence though the petition is allowed it is not necessary for us to make Rule absolute in terms of the prayers of the writ petition because on 20/6/96 when this court issued Rule this court passed an ad-interim order in terms of prayer clause (b) of the petition. The respondents were directed to admit the petitioner in one of the medical colleges. The admission was to be provisional and was to be subject to the final result in the petition as also subject to the decision of the Supreme Court on the question whether Bawa caste false within the category of Nomadic Tribe which was pending before the Supreme Court. The petitioner has now completed her M.B.B.S. course. In view of the aforementioned decision of the Supreme Court, the petitioner is entitled to be treated as a member of the Nomadic Tribe of Hindu Bawa NT-I. Consequently, she is entitled to have her results declared. Respondents are accordingly

directed to declare the results of the petitioner which were held up on account of the pendency of the appeal in the Supreme Court. Rule is made absolute in these terms with no order as to costs.

4. In view of the above, Civil Application is also disposed of.

5. Parties to act on authenticated copy of this order.

(SMT. RANJANA DESAI,J.)

(A.P. DESHPANDE, J.)